

APPEAL

**U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:12-cv-00336-HG-BMK
Internal Use Only**

Young v. State of Hawaii et al
Assigned to: JUDGE HELEN GILLMOR
Referred to: Judge BARRY M. KURREN
Cause: 42:1983 Civil Rights Act

Date Filed: 06/12/2012
Date Terminated: 11/29/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

George K. Young, Jr.
1083 Apono Place
Hilo, HI 96720
808-959-5488

represented by **Alan A. Beck**
4780 Governor Drive
San Diego, CA 92122
(808) 295-6733
Email: ngord2000@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**State of Hawaii**

represented by **John M. Cregor , Jr.**
Office of the Attorney General-
Hawaii
Civil Rights Litigation
425 Queen St
Honolulu, HI 96813
586-1494
Fax: 586-1369
Email: John.M.Cregor@hawaii.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Neil Abercrombie
*in his capacity as Governor of the
State of Hawaii*

represented by **John M. Cregor , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**David M. Louie**

represented by **John M. Cregor , Jr.**

*in his capacity as State Attorney
General*

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

County of Hawaii

*as a sub-agency of the State of
Hawaii*

Defendant

William P. Kenoi

*in his capacity as Mayor of the
County of Hawaii*

represented by **Michael J. Udovic**
Office of the Corporation Counsel-
Big Island
333 Kilauea Avenue, 2nd Floor
Hilo, HI 96720
808-961-8251
Email: mudovic@co.hawaii.hi.us
LEAD ATTORNEY
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Kimberly K. Angay

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Big Island
333 Kilauea Avenue, 2nd Floor
Hilo, HI 96720
808-961-8251
Email: kangay@co.hawaii.hi.us
ATTORNEY TO BE NOTICED

Defendant

Hilo County Police Department

*as a sub-agency of the County of
Hawaii*

Defendant

Harry S. Kubojiri

in his capacity as Chief of Police

represented by **Michael J. Udovic**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly K. Angay

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Does 1-25

Defendant

Jane Does 1-25**Defendant****Doe Corporations 1-5****Defendant****Doe Entities 1-5**

Date Filed	#	Docket Text
06/12/2012	<u>1</u>	COMPLAINT FOR DEPRIVATION OF CIVIL RIGHTS (42 U.S.C. §§ 1983, 1985, 1986) against State of Hawaii; Neil Abercrombie; David M. Louie; County of Hawaii; William P. Kenoi; Harry S. Kubojiri; John Does 1-25; Jane Does 1-25; Doe Corporations 1-5; Doe Entities 1-5 - filed by George K. Young, Jr. (Attachments: # <u>1</u> Civil Cover Sheet) (afc) (Entered: 06/13/2012)
06/12/2012	<u>2</u>	Order Setting Rule 16 Scheduling Conference for 09:00AM on 9/10/2012 before Judge BARRY M. KURREN. Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 6/12/2012. (Attachments: # <u>1</u> Corporate Disclosure Memo) (afc) (Entered: 06/13/2012)
06/12/2012	<u>3</u>	Filing fee: \$ 350.00, receipt number HI004146 re <u>1</u> Complaint. (afc) (Entered: 06/13/2012)
06/12/2012	<u>4</u>	Summons Issued as to David M. Louie. (afc) (Entered: 06/13/2012)
06/12/2012	<u>5</u>	Summons Issued as to Neil Abercrombie. (afc) (Entered: 06/13/2012)
06/12/2012	<u>6</u>	Summons Issued as to William P. Kenoi. (afc) (Entered: 06/13/2012)
06/12/2012	<u>7</u>	Summons Issued as to Harry S. Kubojiri. (afc) (Entered: 06/13/2012)
06/22/2012	<u>8</u>	Plaintiff's CERTIFICATE re: Service of Complaint - Harry S. Kubojiri served via certified mail; RRR: 6/18/2012. (afc) (Entered: 06/25/2012)
06/22/2012	<u>9</u>	Plaintiff's CERTIFICATE re: Service of Complaint - William P. Kenoi served via certified mail; RRR: 6/18/2012. (afc) (Entered: 06/25/2012)
06/22/2012	<u>10</u>	Plaintiff's CERTIFICATE re: Service of Complaint - David M. Louie served via certified mail; RRR: 6/18/2012. (afc) (Entered: 06/25/2012)
06/22/2012	<u>11</u>	Plaintiff's CERTIFICATE re: Service of Complaint - Neil Abercrombie served via certified mail; RRR: 6/18/2012. (afc) (Entered: 06/25/2012)
06/27/2012	<u>13</u>	WAIVER OF SERVICE Returned Executed by George K. Young, Jr. WILLIAM P. KENOI waiver sent on 6/15/2012, answer due 8/14/2012. (afc) (Entered: 06/30/2012)
06/29/2012	<u>14</u>	WAIVER OF SERVICE Returned Executed by George K. Young, Jr. HARRY S. KUBOJIRI waiver sent on 6/15/2012, answer due 8/14/2012. (afc) (Entered: 07/02/2012)

07/26/2012	18	SUMMONS Returned Executed by George K. Young, Jr. re: service of Summons upon NEIL ABERCROMBIE, Governor. <i>related:</i> 15 Waiver of Service returned Executed. (afc) (Entered: 07/30/2012)
07/26/2012	19	SUMMONS Returned Executed by George K. Young, Jr. re: service of Summons upon DAVID M. LOUIE, Hawaii State Attorney General. <i>related:</i> 16 Waiver of Service returned Executed. (afc) (Entered: 07/30/2012)
07/27/2012	15	WAIVER OF SERVICE Returned Executed by George K. Young, Jr. GOVERNOR NEIL ABERCROMBIE waiver sent on 6/18/2012, answer due 8/17/2012. (afc) (Entered: 07/30/2012)
07/27/2012	16	WAIVER OF SERVICE Returned Executed by George K. Young, Jr. DAVID M. LOUIE, ATTORNEY GENERAL OF HAWAII waiver sent on 6/18/2012, answer due 8/17/2012. (afc) (Entered: 07/30/2012)
08/02/2012	20	WAIVER OF SERVICE Returned Executed by George K. Young, Jr. (bbb,) Modified on 8/6/2012: Party waiving service: David M. Louie, Attorney General of Hawaii. <i>Document appears to be a duplicate of doc no. 16.</i> (afc) (Entered: 08/03/2012)
08/02/2012	21	WAIVER OF SERVICE Returned Executed by George K. Young, Jr. (bbb,) Modified on 8/6/2012: Party waiving service: Governor Neil Abercrombie. <i>Document appears to be a duplicate of doc no. 15.</i> (afc) (Entered: 08/03/2012)
08/03/2012	22	<p>ORDER REFERRING CASES BEFORE SENIOR DISTRICT JUDGE DAVID ALAN EZRA. Case reassigned to JUDGE HELEN GILLMOR for all further proceedings. JUDGE DAVID ALAN EZRA no longer assigned to case. <i>Please reflect new case number CV 12-00336-HG-BMK on all further pleadings.</i> Signed by JUDGE DAVID ALAN EZRA on 8/3/2012. (afc)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications will be served by first class mail on August 8, 2012. (Entered: 08/07/2012)</p>
08/10/2012	23	MOTION to Dismiss Michael J. Udovic appearing for Defendants William P. Kenoi, Harry S. Kubojiri (Attachments: # 1 Memorandum in Support of Motion, # 2 Certificate of Service)(Udovic, Michael) (Entered: 08/10/2012)
08/10/2012	24	<p>EO: By agreement of the parties, Rule 16 Scheduling Conference set for 9/10/2012 is continued to 10/12/2012 @ 9:00 AM before Judge BARRY M. KURREN. Scheduling Conference Statements are due by 10/5/2012. Jennifer Kualii to notify the parties. (Judge BARRY M. KURREN)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/10/2012)</p>

08/13/2012		ADVISORY ENTRY re entry docket number 23 MOTION to Dismiss filed by Harry S. Kubojiri, William P. Kenoi. Please reflect new case number CV 12-00336-HG-BMK on all further pleadings pursuant to the 22 ORDER REFERRING CASES BEFORE SENIOR DISTRICT JUDGE DAVID ALAN EZRA filed on 8/3/2012. JUDGE DAVID ALAN EZRA is no longer assigned to case. Case reassigned to JUDGE HELEN GILLMOR for all further proceedings. (ecs,) (Entered: 08/13/2012)
08/16/2012	25	MOTION to Dismiss John M. Cregor, Jr appearing for Defendants Neil Abercrombie, David M. Louie, State of Hawaii (Attachments: # 1 Memorandum In Support of Motion, # 2 Certificate of Service)(Cregor, John) (Entered: 08/16/2012)
08/21/2012	27	NOTICE of Appearance by Kimberly K. Angay on behalf of William P. Kenoi, Harry S. Kubojiri on behalf of William P. Kenoi, Harry S. Kubojiri. (Angay, Kimberly) (Entered: 08/21/2012)
08/23/2012	28	EO: On 8/10/2012, Defendants William P. Kenoi and Harry S. Kubojiri's filed a Motion to Dismiss (Doc. 23) and On August 16, 2012, Defendants Neil Abercrombie, David M. Louie, and State of Hawaii filed a Motion to Dismiss (Doc. 25) Plaintiff is to file an Opposition on or before Friday, 9/7/2012. Defendant is to file a Reply on or before Monday, 10/1/2012. Pursuant to Local Rule 7.2 (d), the Court elects to decide the motion on the pleadings without a hearing. (JUDGE HELEN GILLMOR)(lls,) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry Modified on 8/23/2012 (lls,). (Entered: 08/23/2012)
09/06/2012	29	MEMORANDUM of Points and Authorities in Opposition to Defendant's William P. Kenoi, Harry S. Kubojiri, Neil Abercrombie and David Motion to Dismiss 23 and 25 filed by George K. Young, Jr. [Note: Titled as "Plaintiff's Motion of Points and Authorities in Opposition to Defendant's William P. Kenoi, Harry S. Kubojiri, Neil Abercrombie and David Motion to Dismiss", but appears to be Memorandum.] (Attachments: # 1 Table of Contents/Authorities/Reference, # 2 Memorandum of Points and Authorities in Opposition to Defendant's Motion to Dismiss, # 3 Mailing documentation)(ecs,) (Entered: 09/10/2012)
09/06/2012	30	CERTIFICATE OF SERVICE by George K. Young, Jr re 29 Memorandum in Opposition to Motion to Dismiss. (ecs,) (Entered: 09/10/2012)
09/10/2012	32	Transmittal dated 9/8/2012 forwarding the Original receipts of verifiable certified mail delivered of Plaintiff's Motion in Opposition to Defendants' Motion to Dismiss to defendants' legal counsels for both the State and County by George K. Young, Jr. Related docs: 29 30 (Attachments: # 1 Original Certified Mail Receipts)(ecs,) (Entered: 09/11/2012)
10/01/2012	33	STATEMENT re 23 MOTION to Dismiss <i>Defendants William P. Kenoi and Harry Kubojiri's Statement Regarding Their Motion to Dismiss</i> filed

		<i>August 10, 2012; Certificate of Service</i> filed by William P. Kenoi, Harry S. Kubojiri. (Udovic, Michael) (Entered: 10/01/2012)
10/01/2012	34	REPLY re 25 MOTION to Dismiss <i>Plaintiff's Complaint</i> ; filed by Neil Abercrombie, David M. Louie, State of Hawaii. (Attachments: # 1 Certificate of Service)(Cregor, John) (Entered: 10/01/2012)
10/04/2012	35	Scheduling Conference Statement <i>Defendants William P. Kenoi and Harry Kubojiri's Rule 16 Scheduling Conference Statement; Certificate of Service.</i> (Udovic, Michael) (Entered: 10/04/2012)
10/05/2012	36	Scheduling Conference Statement <i>by State Defendants.</i> (Attachments: # 1 Certificate of Service)(Cregor, John) (Entered: 10/05/2012)
10/10/2012	37	Plaintiff's Rule 16 Scheduling Conference Statement; Certificate of Service. (ecs,) [NOTE: Certificate of Service filed as a separate entry] Modified on 10/11/2012 (ecs,). (Entered: 10/11/2012)
10/10/2012	38	CERTIFICATE OF SERVICE by George K. Young, Jr re 37 Scheduling Conference Statement (ecs,) (Entered: 10/11/2012)
10/12/2012	39	EP: Rule 16 Scheduling Conference was held. A Further Rule 16 Scheduling Conference is set for 11/15/2012 at 9:00 a.m. before Judge Barry M. Kurren. Counsel and parties may participate by phone by notifying Judge Kurren's Courtroom Manager (808-541-1306) of the phone number where they may be reached at the time of this hearing.(C7 no record 9:08-9:11 a.m.) (Judge BARRY M. KURREN)(kur1) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/12/2012)
10/15/2012	40	CERTIFICATE OF SERVICE - Original Receipts of Delivered Certified Mail (service of: Plaintiff's Scheduling Statement) by George K. Young, Jr (Attachments: # 1 Attachments)(ecs,) (Entered: 10/18/2012)
11/08/2012	41	EO: Further Rule 16 Scheduling Conference set for 11/15/2012 is continued to 12/7/2012 @ 9:00 AM before Judge BARRY M. KURREN. Awaiting ruling on Motions to Dismiss. Court will contact Mr. Young at the time of the hearing at the number previously provided. (Judge BARRY M. KURREN)(tyk) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/08/2012)
11/29/2012	42	ORDER GRANTING COUNTY OF HAWAII OFFICIAL DEFENDANTS' MOTION TO DISMISS 23 AND STATE OF HAWAII DEFENDANTS' MOTION TO DISMISS 25 . Signed by JUDGE HELEN GILLMOR on 11/28/2012. ~ State Defendants Motion to Dismiss (Doc. 25) is GRANTED. All

		<p>causes of action against State Defendants are DISMISSED WITH PREJUDICE. County Officials Defendants Motion to Dismiss (Doc. 23) is GRANTED. The Court dismisses the causes of action against the County and the County Police Department. All causes of action against the County Officials, the County, and the County Police Department are DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close the case. (ecs,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/29/2012)</p>
11/29/2012	43	<p>JUDGMENT in a Civil Case. Signed by /es/ for S. Beitia/Clerk, on 11/29/2012. (ecs,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/29/2012)</p>
11/30/2012	44	<p>EO: In light of the 42 order Grnting Defendants' Motions to Dismiss and the 43 Judgment entered on 11/29/2012, the Further Rule 16 Scheduling Conference set for 12/7/2012 is VACATED. (Judge BARRY M. KURREN) (kur2)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/30/2012)</p>
12/14/2012	48	<p>NOTICE OF APPEAL as to 43 Judgment, and 42 Order Granting Motion to Dismiss by George K. Young, Jr. Filing fee \$ 455 paid. (Attachments: # 1 Attachments, # 2 Certificate of Service)(ecs,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/21/2012)</p>
12/14/2012	53	<p>Civil Appeals Docketing Statement re 48 Notice of Appeal received by Clerk's Office - by Appellant Pro Se George K. Young, Jr. (ecs,)No COS issued for this docket entry (Entered: 12/24/2012)</p>
12/17/2012	49	<p>Notice Regarding Transcripts by George K. Young, Jr (cc: ESR) (ecs,)No COS issued for this docket entry (Entered: 12/21/2012)</p>
12/17/2012	50	<p>USCA Appeal Fees received \$ 455 receipt number HI006265 re 48 Notice of Appeal,, filed by George K. Young, Jr. (ecs,)No COS issued for this docket entry (Entered: 12/21/2012)</p>
12/21/2012	47	<p>MOTION to Substitute Attorney and Notice of Appeal Alan A. Beck appearing for Plaintiff George K. Young, Jr (Attachments: # 1 Supplement</p>

		notice regarding transcripts)(Beck, Alan) Modified on 12/24/2012 (ecs,). Refer to entries 48 and 49 filed by Pro Se George Young. (Entered: 12/21/2012)
12/21/2012	51	←MOTION→ Representation Statement Alan A. Beck appearing for Plaintiff George K. Young, Jr (Beck, Alan) Modified on 12/24/2012 (ecs,). (Entered: 12/21/2012)
12/23/2012	52	MOTION Civil Appeals Docketing Statement <i>Docketing Sheet</i> Alan A. Beck appearing for Plaintiff George K. Young, Jr (Attachments: # 1 Exhibit Decesion of the Lower Court)(Beck, Alan) Modified on 12/24/2012 (ecs,). (Entered: 12/23/2012)
12/24/2012		ADVISORY ENTRY - Counsel Alan Beck is requested to contract the Clerk's Office as to entry docket numbers 52 <i>MOTION Docketing Sheet</i> filed by George K. Young, Jr., 47 <i>MOTION to Substitute Attorney and Notice of Appeal</i> filed by George K. Young, Jr., 51 <i>MOTION Representation Statement</i> filed by George K. Young, Jr. The Office of the Clerk has called Mr. Beck at the number (808)295-6733, but it appears to be an incorrect number. As to 47 Counsel may need to file a proper "Motion to Substitute Attorney" as the pdf attached is a 'Notice of Appeal'. Counsel is also reminded to include in the top left hand corner of the front page of each pleading Counsel Identification (name, firm name, Bar Nounber, address, phone number). Entry docket numbers 51 and 52 appear to be documents filed in error as Motions and thus will be terminated. Counsel is advised to refer to the "Amended General Order Adopting Electronic Case Filing Procedures" and "Local Rules" found at www.hid.uscourts.gov . If applicable, Counsel may to file a " Notice of Change of Attorney Address" located under Miscellaneous Forms at www.hid.uscourt.gov and, when completed, mail or fax it to: Office of the Clerk of Court. The proper format signature convention is /s/ Alan Beck. (ecs,) Modified on 12/24/2012 - Counsel although nef'd will be served a copy of this advisory entry via US Mail. (ecs,). (Entered: 12/24/2012)